

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 07-CR-336

JAMES WASHINGTON
Defendant.

ORDER

On March 5, 2010, I sentenced defendant James Washington to 70 months in prison on his guilty plea to money laundering. He took no appeal, but on December 19, 2011, he filed an emergency motion for immediate relief (sentence modification). In the motion, he asks me to reduce his sentence based on his accomplishments in prison; his placement at a higher security level facility that he believes warranted by his offense and background; and the dangerous animals he encounters and the injury he suffered while mowing grass with a manual push mower at the facility. He does not ask for assistance with his eye injury or prison designation, issues outside this court's control; instead, he requests a sentence modification of between 6 and 12 months.

The district court generally lacks authority to reduce a sentence once it has been imposed, see 18 U.S.C. § 3582(c); United States v. Smith, 438 F.3d 796, 799 (7th Cir. 2006); Romandine v. United States, 206 F.3d 731, 735-36 (7th Cir. 2000); United States v. Mittelsteadt, 790 F.2d 39, 41 (7th Cir. 1986), and defendant provides no jurisdictional basis for his request. He specifically states that he is not attacking his conviction or sentence, so the motion cannot be construed as falling under 28 U.S.C. § 2255. Nor does he rely on some

retroactive amendment to the sentencing guidelines, which might permit a reduction under 18 U.S.C. § 3582(c)(2). No basis for the request being apparent, the motion must be dismissed for lack of subject matter jurisdiction. See Baboolal v. United States, No. 08-C-696, 2009 WL 939570, at *2 (E.D. Wis. Apr. 3, 2009) (finding no jurisdiction to reduce sentence to account for post-sentencing events, including prison placement).

THEREFORE, IT IS ORDERED that defendant's motion (R. 56) is **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 30th day of December, 2011.

/s Lynn Adelman

LYNN ADELMAN
District Judge